

**ASSEMBLY BILL**

**No. 834**

**Introduced by Assembly Member Bowen  
(Principal coauthor: Assembly Member Murray)  
(Coauthor: Assembly Member Wayne)**

February 27, 1997

An act to add Section 44001.8 to the Health and Safety Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 834, as introduced, Bowen. Vehicles: inspection: leaking fluid.

(1) Existing law requires the Chief of the Bureau of Automotive Repair to enforce and administer the motor vehicle inspection program and generally requires a biennial inspection of vehicles.

This bill would require the bureau to develop and implement a program to inspect motor vehicles for leaking oil, antifreeze solution, and transmission or brake fluid at the time that the vehicle receives a smog inspection. The program would include notifying the registered owner, if fluid is leaking, of the type of fluid and providing information prepared by the State Water Resources Control Board and the State Department of Health to the owner explaining the damage caused to coastal waters, lakes, rivers, and marine creatures, and the health risk posed to humans, by those fluids. The bureau would be required to obtain and maintain records of the number of vehicles that are leaking fluids, identifying

which fluids are leaking from each vehicle, and to publish a report each year summarizing the records.

Since a violation by a smog check station of the requirements of the bill would be subject to a misdemeanor penalty, the bill would create a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44001.8 is added to the Health  
2 and Safety Code, to read:

3 44001.8. (a) The bureau shall develop and  
4 implement a program to inspect motor vehicles for  
5 leaking oil, antifreeze solution, and transmission or brake  
6 fluid at the time that the vehicle receives a smog  
7 inspection.

8 (b) The program shall provide that if a motor vehicle  
9 is found to be leaking any fluids, the inspector shall notify  
10 the registered owner in writing of the type of fluid that  
11 is leaking. The inspector shall also provide the owner  
12 information, which shall be prepared by the State Water  
13 Resources Control Board and the State Department of  
14 Health Services, explaining the damage caused to coastal  
15 waters, lakes, rivers, and marine creatures, and the health  
16 risk posed to humans, by those fluids washing off streets  
17 and parking lots into coastal waters and other bodies of  
18 water used for bathing, swimming, or other recreational  
19 activities.

20 (c) The bureau shall adopt procedures to obtain  
21 records from smog check stations of the number of motor  
22 vehicles that are leaking fluids, identifying which fluids  
23 are leaking from each vehicle, and adopt procedures for

1 maintaining those records. The bureau shall publish a  
2 report each year summarizing the records.

3 SEC. 2. No reimbursement is required by this act  
4 pursuant to Section 6 of Article XIII B of the California  
5 Constitution because the only costs that may be incurred  
6 by a local agency or school district will be incurred  
7 because this act creates a new crime or infraction,  
8 eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section  
10 17556 of the Government Code, or changes the definition  
11 of a crime within the meaning of Section 6 of Article  
12 XIII B of the California Constitution.

13 Notwithstanding Section 17580 of the Government  
14 Code, unless otherwise specified, the provisions of this act  
15 shall become operative on the same date that the act  
16 takes effect pursuant to the California Constitution.

